

## REMARKS

Claims 1 - 23 are in the application. Claims 1, 3-6, 9, 19, 20, 21, 22, and 23 were previously presented; claims 24 and 25 are canceled; and claims 2, 7, 8, and 10-18 remain unchanged from the original versions thereof. Claims 1, 19, 20, and 23 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

### **Claim Rejections under 35 USC § 103(a)**

Claims 1-18 were rejected as being unpatentable over Fox et al. U.S. Patent Application No. U.S. 2001/0034701 A1 (hereinafter, Fox) in view of Ashenmil et al., U.S. Patent No. 6,615,187 (hereinafter, Ashenmil). This rejection is respectfully traversed.

Applicant's claims 1-18 relate to a method to facilitate analysis of a commercial backed security (CMBS) portfolio. The recited method of independent claim 1 provides, inter alia, determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio, including at least one desired profitability value for the additional mortgage loan. Clearly, the claimed method recites and relates to determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio. The determined information includes at least one profitability value.

Contrary to Applicant's claims, the cited and relied upon combination of Fox and Ashenmil fails to disclose or suggest Applicants' claimed invention. In particular, the cited and relied upon Fox fails to disclose or suggest, at least, Applicant's claimed determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio, including at least one desired profitability value for the additional mortgage

loan. Applicant notes that the Office Action cites and relies upon Fox for alleging this aspect of the claims. As part of the disclosed data management system, Fox does not disclose determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio, including at least one desired profitability value for the additional mortgage loan.

In particular, Fox discloses a computer database management system. (See Fox, Abstract) Fox discloses the system therein "simplifies the process for entering loan information in order to establish a relationship between properties, borrowers and loans, tracks property financial statements and produces reports. The reports generated support the Commercial Mortgage Securities Association (CMSA) reporting requirements, borrower/property correspondence and internal reports pertaining to property and financial statement management." (See Fox, para. 0013) Fox also states, "[T]he primary function of the TRACS<sup>TM</sup> application is to warehouse operating data on individual properties and report operating data in conjunction with the administration of commercial, multi-family real estate loans, non-commercial and single-family loans." (See Fox, para. 0014) That is, Fox is directed to and discloses a data management system for managing, for example, loan collateral data.

Thus, it is clear that Fox does not disclose or suggest the claimed determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio, including at least one desired profitability value for the additional mortgage loan. In fact, it is not seen where Fox is even concerned with determining a profitability value, let alone determining the profitability value of the claimed information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio.

The Office Action cites and relies upon Fox for allegedly disclosing all aspects of claim 1 except for transmitting to a user terminal at least one loan spread value associated with the additional mortgage loan via a communication network. For this

aspect of the claims, the Office Action cites and relies upon Ashenmil. Applicant notes however that Ashenmil does not appear to even be concerned with a loan spread value associated with an additional mortgage loan added to a portfolio, let alone the claimed transmitting to a user terminal at least one loan spread value associated with the additional mortgage loan via a communication network. Specifically, Ashenmil does not disclose or even suggest calculating a loan spread or transmitting the result of such a calculation (even if done by others).

Instead, Ashenmil discloses a method of securitizing a real estate brokerage option (REBO). The disclosed REBO system and method do not include the claimed transmitting to a user terminal at least one loan spread value associated with the additional mortgage loan in accordance with a contribution of the additional mortgage loan to the portfolio via a communication network. Ashenmil also discloses, "[I]n one aspect of the present invention, an investor purchases from a real estate property owner, for a fixed sum, the assignable right to be the owner's sales broker when the owner decides to sell the property. The compensation paid may be in the form of cash or an equivalent non-cash incentive. The amount of the option premium paid to the owner will vary depending upon a number of factors including, but not limited to, the value of the property and the predicted amount of brokerage commission to be earned upon resale of the property." (See Ashenmil, Abstract and col. 3, ln. 28-36).

Accordingly, Applicant respectfully submits that the cited and relied upon Fox and Ashenmil, in combination, do not disclose that for which they were cited and relied upon for disclosing. Thus, combining the disclosure of Fox with the alleged and relied upon "transmitting" of Ashenmil fails to render claim 1 obvious.

Therefore, Applicant respectfully submits that claim 1 is patentable over the cited and relied upon Fox and Ashenmil under 35 USC 103(a) for at least the reasons discussed above. Furthermore, claims 2-18 depend from claim 1. Applicant respectfully submits that claims 2-18 are patentable over the cited and relied upon Fox and Ashenmil for at least the reasons discussed above regarding claim 1. Accordingly,

Applicant requests the reconsideration and withdrawal of the rejection of claims 1-18 and the allowance of same.

Claims 19-23 were rejected as being unpatentable over Fox in view of Ashenmil under 35 USC 103(a), on a basis similar to that discussed hereinabove regarding claim 1. These rejections are respectfully traversed.

Applicant respectfully submits that claims 19-23 are patentable over the cited and relied upon Fox and Ashenmil for at least reasons similar to those presented hereinabove regarding claim 1. Accordingly, Applicant respectfully submits that the cited and relied upon Gould reference does not disclose that for which it was cited and relied upon for disclosing.

Therefore, Applicant respectfully submits that claims 19-23 are patentable over the cited and relied upon fox and Ashenmil under 35 USC 103(a) for at least the reasons discussed above regarding claim 1. Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 19-23 and the allowance of same.

### CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

April 3, 2006  
Date



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